

REMARKS

In accordance with the foregoing, claims 1-23 are pending and under consideration.

ALLOWABLE SUBJECT MATTER

Applicant acknowledges with appreciation the indication that claims 1-3, 8-14 and 19-22 are allowed and claims 5-7 and 16-18 recite allowable subject matter.

CLAIM REJECTIONS – 35 USC § 103

Claims 4 and 15 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No 5,504,759 to Inoue et al (hereinafter "Inoue") in view of U.S. Patent Application Publication No 2003/0014475 to Kamori ("Kamori"). Claim 23 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Inoue and Kamori, in view of U.S. Patent No. 5,225,909 to Koizumi ("Koizumi") and U.S. Patent No. 5,212,678 to Roth et al. ("Roth").

Enclosed is a certified English translation of the Japanese Patent Application 2001-097136 filed March 29, 2001, in order to perfect the foreign priority claim. Since the filing date of Kamori is February 13, 2002, and the publication date of the PCT application (in Japanese) corresponding to Kamori is August 23, 2001 (see attached the first page of the WIPO publication), by perfecting the foreign priority in the above-identified application, U.S. Patent Application Publication No 2003/0014475 to Kamori is disqualified as prior art reference.

In view of disqualification of Kamori from being considered a prior art references, all the rejections under 35 U.S.C. §103(a) are overcome.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Serial No. 10/080,564

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: Jan. 16, 2009

By: LT Todor
Luminita A. Todor
Registration No. 57,639

1201 New York Avenue, N.W., 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501